

Exemption No. 1870A

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D. C.

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In the matter of the petition of

THE BOEING COMPANY

for an exemption from §§ 25.807(c)(1)  
and (5), 25.809(f)(1), and 25.813(b) of the  
Federal Aviation Regulations.

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Regulatory Docket No. 13203

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GRANT OF EXEMPTION

By telegram of September 10, 1976, the Boeing Company petitioned for an amendment to Exemption No. 1870 to permit the type certification of Boeing Model 747-200F and 747-200C airplanes for carriage of certain persons on the upper deck who are not necessarily assigned some duty associated with the operation of the airplane.

Sections 25.807(c)(1) and (5), 25.809(f)(1), and 25.813(b) of the Federal Aviation Regulations set forth, in pertinent part, respectively, the requirements for the number, size, and location of passenger emergency exits, descent assist means, and exit assist space. Exemption 1870 grants an exemption from these requirements to the extent necessary to permit the type certification of the Model 747-200F and 200C airplanes (having main deck cargo configuration) for carriage on the upper deck of three non-crew members who are assigned some duty associated with the operation of the airplane. In its current request, the petitioner asks that the class of persons eligible for carriage under the exemption be expanded to include those persons who perform investigative or safety functions or who support an operator's cargo carrying operations even though not necessarily assigned a duty on the particular flight on which they are being carried.

In support of its request, the petitioner states that cargo operators have need for a variety of support personnel in flight or at locations into which their cargo airplanes operate. According to the petitioner, some of the types of personnel needed for cargo carrying operations cannot realistically be assigned a duty associated with the operation of the airplane even though their functions are obviously vital to the overall safety and efficiency of the cargo carrying mission. The petitioner points out that when such key personnel being transported

by other commercial means are delayed enroute, an entire cargo mission can be jeopardized, and that the surest and most efficient way to transport such personnel is aboard the particular 747 cargo flight involved. In addition, persons carrying out official inspection duties or overall security functions are also involved in cargo operations. The petitioner contends that if operators are allowed to carry such personnel on the applicable airplanes, it would be beneficial to their operations and thus be in the public interest.

The petitioner asserts that limiting the occupancy of the upper deck to persons with an assigned duty aboard the airplane is not, in itself, a safety consideration since other persons could be carried with equal safety under conditions that require briefing on escape means and a finding as to the person's physical fitness. The FAA agrees that safety will not be derogated by a limited expansion of the class of persons permitted by exemption to be carried. In this connection, the FAA has determined that its conclusions and findings, as stated in Exemption 1870 with respect to evacuation means, qualification of persons to be carried, and the limited number of personnel involved, are applicable also to the carriage of persons covered by this exemption.

In consideration of the foregoing, I find that the granting of an exemption, to the extent described below, would not adversely affect safety and is in the public interest. Therefore, pursuant to the authority contained in sections 313(a) and 601(c) of the Federal Aviation Act of 1958 which has been delegated to me by the Administrator (14 CFR 11.53), the Boeing Company is hereby granted an exemption from sections 25.807(c)(1) and (5), 25.809(f)(1), and 25.813(b) of the Federal Aviation Regulations to the extent necessary to permit type certification of the Models 747-200F and 200C [main deck cargo configuration] for carriage on the upper deck of not more than three persons, other than flight crew members, when the upper deck is configured with one approved emergency exit having the dimensions of a Type I emergency exit and one approved emergency exit hatch for crew members that also has inertia reel and harness provisions for the three persons, subject to the following condition.

The FAA-approved airplane flight manual must contain an operating limitation restricting upper deck occupancy by other than flight crew members to a maximum of three persons, designated by the operator, that are -

1. Included in one of the following categories:

- (a) A crew member.
- (b) An employee of the operator.
- (c) An FAA air carrier inspector, or an authorized representative of the National Transportation Safety Board, who is performing official duties.

(d) Any person determined by the operator, for the particular flight on which carried, to be necessary for:

- (1) The safety of the flight.
- (2) The safe handling of animals.
- (3) The safe handling of radioactive materials.
- (4) The security of valuable or confidential cargo.
- (5) The preservation of fragile or perishable cargo.
- (6) The operation of special equipment for loading or unloading cargo.
- (7) The loading or unloading of outsize cargo.

(e) A person travelling to or from an assignment by the operator involving a function described in paragraph 1. (d).

(f) A person performing duty as an honor guard accompanying a shipment made by or under the authority of the United States.

(g) A military courier, military route supervisor, military cargo contract coordinator, or a designated flight crew member of a military cargo contract air carrier or commercial operator when carriage of such person is specifically authorized by the appropriate U.S. armed force;

2. Briefed by a flight crewmember on the use of the escape means prior to each flight; and

3. Found by the operator to be physically able to use the escape means provided.

*J. A. Ferrarese*  
*acting* Director  
Flight Standards Service

Issued in Washington, D. C., on March 10, 1977